IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 6408 of 2003

Between:

1. Premila Jasmine, D/o Sri J.K.Christy,

Aged about 45 years, SGBT Assistant,

Keyes High School for Girls,
Secunderabad.

2. C.K.Vanitha Rekha, W/o P.L.Krishna,

Aged about 50 years,

SGBT Assistant,

Keyes High School for Girls,

Secunderabad.

3. G.Shashi Kumari,

W/o G.Vijaya Goud,

Aged about 46 years,

Assistant Teacher,

Keyes High School for Girls,

Secunderabad.

..... PETITIONERS

AND

1. Director of School Education,

Andhra Pradesh, Saifabad, Hyderabad.

2. State of Andhra Pradesh, rep. by its

Secretary, Education Department,

Secretariat Buildings, Hyderabad.

3. Regional Joint Director of School,

Education, Hyderabad.

4. District Education Officer,

Hyderabad District, Hyderabad.

5. Keyes High School for Girls,

Secunderabad, rep. by its Secretary & Correspondent.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction especially one in the nature of Mandamus : (i) declaring that the petitioners are eligible and entitled to be considered for absorption into aided vacancies in the 5th respodent school in the concerned subjects; (ii) direct the respondents to consider absorption of the services of the petitioners into the available aided vacancies from the date of availability of the vacancies and grant all consequential benefits and (iii) to grant such other relief or reliefs.

Counsel for the Petitioner: MR.V.JOGAIAH SARMA

Counsel for the Respondent Nos.1 to 4: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.5: Mr.G.VIDAYSAGAR

The Court made the following:

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O R D E R:

W.P.M.P.No.32579 of 2003 is filed seeking a direction to respondents to absorb the petitioners as Secondary Grade (SGBT) Teachers in the aided vacancies in fifth respondents' school and to grant such other reliefs. Since the relief prayed in the writ petition and WPMP is one and the same, the main writ petition itself is taken up for hearing with the consent of both counsel.

A detailed counter-affidavit has been filed on behalf of the respondents 1 to 4 stating that the procedure for selection and appointment of the teachers was prescribed under G.O.Ms.1, Education, dated 01-01-1994. Though the petitioners were appointed much later to that date i.e., 01-01-1994, the procedure as prescribed

in the said GOMs was not followed by the fifth respondent-school. Therefore, even if the petitioners are working for more than five years, they are not entitled for absorption into regular vacancies (aided vacancies).

Be that as it may, since it is not disputed by the respondents that the petitioners are not working for the last more than eight years as of now, the respondents are directed to consider the case of the petitioners for absorption into the existing aided vacancies if the petitioners are otherwise eligible and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No order as to costs.

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23-11-2004.

Lrkm/Mdaa.

To

1. The Secretary,

Education Department,

2 Director of School Education,

State of Andhra Pradesh, Saifabad, Hyderabad.

Secretariat Buildings, Hyderabad.

3. The Regional Joint Director of School,

Education, Hyderabad.

4. The District Education Officer,

Hyderabad District, Hyderabad.

5 2CCs to the Government Pleader for School Education, High

Court Buildings, High Court of A.P., Hyderabad (O.U.T).

6. 2CD copies.